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10/506,832

09/07/2004

Jean-Marc Auger

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

BAIG, SAHAR A

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,832

Applicant(s)

AUGER ET AL.

Examiner

Sahar A. Baig

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/07/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-4, and 6-9 rejected under 35 U.S.C. 102(b) as being anticipated by Schein et al. (U.S. Patent No. 6,002,394).

Regarding Claim 1, Schein discloses a system **Fig 1** comprising a content supply unit **30**, an application control unit **10** and at least one user unit **20 and 40**, said user unit being provided with content reception **24** and display means **32**, user data production means [*input device 20*] and means of transmitting at least one user data item to said application control unit [*input device 20 allows a viewer to interact with computer system 10*], characterized in that: said application control unit comprises means for determining one or more pieces of content from one or more user data items received, and transmission means for transmitting overlay relating to said pieces of content, to said user unit and/or to said content supply unit, said user unit and/or said content supply unit comprise overlay means for overlaying said piece or pieces of content in the content to be displayed and/or in the content to be supplied, using said overlay data [**Col. 8 line15-20; An input-response user interface program module responds to user input to generate new**

displays responsive to the particular input. In one preferred embodiment, the user utilizes an input device, e.g., a remote control, mouse, voice activated interface or keyboard, to place a pointer over a part of the current display and clicks].

Regarding Claim 2, 3, and 6 Schein discloses an interactive system characterized in that a plurality of predefined pieces of content are stored in said user unit and/or in said content supply unit, said predefined pieces of content being identified by a content piece identifier, and in that the overlay data transmitted by said application control unit comprise a content piece identifier **[Col. 10 lines 41-58; Figure 5 discloses a favorite link field which links to the next favorite channel and is utilized to form an ordered, linked list in an order determined by the user. The user interface and database engine provide screens to facilitate the ordering and selection of channels to be displayed in the guide].**

Regarding Claim 4, Schein discloses an interactive system, characterized in that said application control unit comprises selection means for selecting one or more user units and for transmitting to said content supply unit overlay data relating to one or more pieces of content determined from user data transmitted by the user unit or units selected, to the exclusion of the user data transmitted by the other user units **[Col. 10 lines 41-58; The Favorite channel list feature discussed in Figure 5 is tailored differently for each individual user].**

Regarding Claim 7, Schein discloses a user unit **Figure 1** comprising content reception means **24** and content display means **32**, user data production means *[input device 20]* and means of transmitting one or more user data to an application control unit *[input device 20 allows a viewer to interact with computer system 10]*, characterized in that it comprises: means of receiving overlay data transmitted by said application control unit, said overlay data relating to at least one piece of content determined by said application control unit from at least one of said transmitted user data, overlay means for overlaying said piece of content in the content to be displayed, using said overlay data **[Col. 8 line15-20; An input-response user interface program module responds to user input to generate new displays responsive to the particular input. In one preferred embodiment, the user utilizes an input device, e.g., a remote control, mouse, voice activated interface or keyboard, to place a pointer over a part of the current display and clicks]**.

Regarding Claim 8, Schein discloses an application control unit comprising means for receiving user data transmitted by at least one user unit intended to display a content supplied by a content supply unit, characterized in that it comprises means for determining one or more pieces of content from one or more user data received *[input device 20 allows a viewer to interact with computer system 10 so that the desired content may be displayed on display unit*

32], and means of transmitting overlay data relating to said pieces of content, to said user unit and/or to said content supply unit, with a view to the overlaying of said pieces of content in the content to be displayed and/or in the content to be supplied **[Col. 8 line15-20; *An input-response user interface program module responds to user input to generate new displays responsive to the particular input. In one preferred embodiment, the user utilizes an input device, e.g., a remote control, mouse, voice activated interface or keyboard, to place a pointer over a part of the current display and clicks*]**.

Regarding Claim 9, Schein discloses a content supply unit intended to supply a content, characterized in that it comprises: means of receiving overlay data transmitted by an application control unit **[Col. 3 line 1-15; *Commercial providers and or television station broadcasters and or program directory or archival sources may also have databases coupled to the viewer interface. In this manner the viewer may directly access these databases during the broadcast of a television program, or while the viewer is browsing through the television schedule and/or listing information guide*]**, said overlay data relating to at least one piece of content determined by said application control unit from at least one user data item transmitted by at least one user unit provided with means of displaying the content supplied, overlay means for overlaying said piece of content in the content to be supplied, using said overlay data **[Col. 8 line15-20; *An input-response user interface program module responds to user input to***

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generate new displays responsive to the particular input. In one preferred embodiment, the user utilizes an input device, e.g., a remote control, mouse, voice activated interface or keyboard, to place a pointer over a part of the current display and clicks]..

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of DeWeese et al. (U.S. Patent Publication No. 2005/0262542).

Regarding Claim 5, Schein discloses all of the limitation except for an interactive system characterized in that said user data comprise an image and/or sound and/or video. In an analogous art, DeWeese discloses a television chat system where the user input data comprises an image and/or sound and/or video **[0101 lines 18-20; A video image of a user participant may be played live on the TV program while that user's question or comment is being discussed on the TV program.]** Therefore it would have been obvious to one of ordinary skill in the art

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to combine the teachings of Schein and DeWeese to offer real interaction to each user of the system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It includes Kohorn (U.S. patent No. 5,508,731) and Harper et al. (U.S Patent No. 5,585,858).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahar A. Baig whose telephone number is 571-270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB


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